

ENTERED

November 19, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COUNTY OF HARRIS, TEXAS,

Plaintiff,

v.

Civil Action No. 4:19-cv-04994

ELI LILLY AND COMPANY; NOVO
NORDISK INC.; SANOFI-AVENTIS U.S.
LLC; EXPRESS SCRIPTS HOLDING
COMPANY; EXPRESS SCRIPTS, INC.;
ESI MAIL PHARMACY SERVICES, INC.;
EXPRESS SCRIPTS PHARMACY, INC.;
CVS HEALTH CORPORATION;
CAREMARK RX, L.L.C.; CAREMARK
PCS HEALTH, L.L.C.; CAREMARK,
L.L.C.; CAREMARK TEXAS MAIL
PHARMACY, LLC; OPTUM, INC.;
OPTUMRX INC.; AETNA RX HOME
DELIVERY, LLC AND AETNA
PHARMACY MANAGEMENT
SERVICES, LLC,

Defendants.

AMENDED RULE 16 SCHEDULING ORDER

Anticipated Length of Trial: 28 days Jury: X Non-Jury:

The disposition of this case will be controlled by the following schedule:

1. 07/27/2021 **NEW PARTIES** shall be joined by this date. The attorney causing such joinder must provide copies of this ORDER to the new parties.
2. 07/27/2021 **AMENDMENTS** to pleadings by Plaintiff or Counter-Plaintiff shall be made by this date. Absent parties' agreement or court approval, answers may not be amended more than 20 days after this date. Answers to amended claims and counterclaims are due 20 days after amended claims or counterclaims are filed. Any amendments after this date must be accompanied by a motion.

3. 1/16/2023 **EXPERT WITNESSES FOR PLAINTIFF/COUNTER-PLAINTIFF** shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion.
4. 2/27/2023 **EXPERT WITNESSES FOR DEFENDANT/COUNTER-DEFENDANT** shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion.
5. 12/16/2022 **FACT DISCOVERY** must be completed by this date. Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under Federal Rules of Civil Procedure to respond until after the deadline. In order to facilitate a more efficient discovery process, the parties agree to the following deadlines in addition to those included in the Court's form scheduling order:

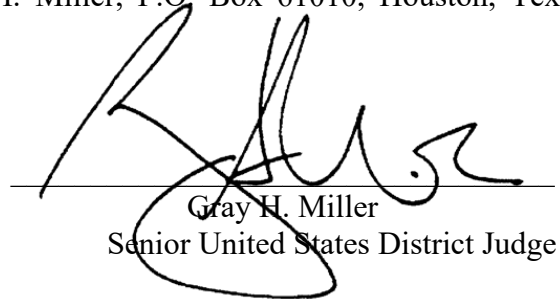
All expert discovery, including deposition by Plaintiff of any expert witness identified by Defendants on or before 3/27/2023.

Plaintiff and Defendants agree that they will enter into a mutually-agreeable deposition protocol, which will include, among other things, any provisions regarding the coordination of this litigation with *The State of Mississippi, ex rel. Lynn Fitch, Attorney General v. Eli Lilly and Company, et al.*, 3:21-cv-00674-KHJ-MTP (S.D. Miss.), *In re: Direct Purchaser Insulin Litigation*, 3:20-cv-3426-ZNQ-LHG (D.N.J.), and *City of Miami, Florida v. Eli Lilly and Company, et al.*, 1:21-cv-22636-RNS (S.D. Fla.) to which the parties are able to agree.
6. 7/28/2023 **MEDIATION/ADR** with parties appearing in person or by a principal, and insurance companies that must be involved in settlement appearing by a representative with authority to settle, to be completed by this date or the parties shall file a report stating why Mediation/ADR is not appropriate.
7. 4/28/2023 **DISPOSITIVE MOTIONS** and **ALL OTHER PRETRIAL MOTIONS** (including Daubert/Kumho motions, but **not** including other motions in limine) will be filed by this date. Responses to any dispositive or other pretrial motions filed on this date shall be due 5/29/2023. Replies shall be due 6/29/2023. Hearing(s) on dispositive motions and *Daubert* motions to be scheduled as necessary and permitted by the Court.
8. 10/30/2023 **JOINT PRETRIAL ORDER** shall be filed on or before this date. Plaintiff is responsible for timely filing the complete Joint Pretrial Order in the form set forth in the published Court Procedures.
9. 11/20/2023 **OBJECTIONS** to exhibits and/or witnesses shall be filed on or before this date.

10. 12/15/2023 **DOCKET CALL** is held in Courtroom 9D starting at 10:00 a.m. on this date. Absent parties' agreement or court approval, no documents filed within five (5) days before the Docket Call will be considered at Docket Call.

All communications concerning the case shall be directed in writing to Ruth Guerrero, Case Manager for United States District Judge Gray H. Miller, P.O. Box 61010, Houston, Texas 77208, or cm4141@txs.uscourts.gov.

Signed: November 19, 2021



Gray H. Miller
Senior United States District Judge